FTA Section 5310

FY 2009Grant Application
Program Certifications Package

This document package contains a comprehensive compilation of the certifications and assurances to be used in connection with all Federal assistance programs administered by FTA. Before FTA or the state may award a Federal grant or cooperative agreement, the applicant must provide all certifications and assurances required by Federal laws and regulations for the applicant or its project.

The certification and assurances do not need to be reviewed or signed by an attorney.

The only signature needed is that of the authorized representative of the applicant.

The pages within this MS Word document must be signed and returned to DRPT via US Mail **no later than February 1, 2008**

Contact Person: Neil Sherman
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FTA Section 5310

FY 2009 Grant Application
Program Certifications Package

Instructions

Please complete the certifications listed within this file. Then **print and sign** a copy and mail a copy to the address below.

*This certification must be mailed to the following address, no later than **February 1, 2008.***

Virginia Department of Rail and Public Transportation
Attn: FTA Section 5310 Grant Application Dept.
Post Office Box 590
Richmond, Virginia 23219

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FTA Section 5310 Program
Virginia FY2009 Application Package

GENERAL INFORMATION

Name and Address of Applicant:

_____

_____

_____

_____

EXECUTIVE DIRECTOR: _____
E-MAIL: _____

CONTACT PERSON: _____
E-MAIL: _____

TELEPHONE: _____
FAX: _____
CONGRESSIONAL DISTRICT: _____
EMPLOYER IDENTIFICATION NO.: _____

IS THE AGENCY TAX EXEMPT FROM THE STATE'S THREE- PERCENT SALES TAX REQUIRED BY THE VIRGINIA DIVISION OF MOTOR VEHICLES?
YES _____ NO _____

STATE IN, WHICH INCORPORATED: _____
** (Private nonprofit organizations attach Articles of Incorporation)
*(Please note: (1) copy of application item is to be submitted)

FEDERAL FISCAL YEAR 2009 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

I. CERTIFICATIONS AND ASSURANCES REQUIRED OF EACH APPLICANT

A. Authority of Applicant and Its Representative

The authorized representative of the Applicant who sign these certifications, assurances, and agreements attest that both the Applicant and its authorized representative have adequate authority under state and local law and by the by-laws or internal rules of the Applicant organization to:

(1) Execute and file the application for Federal assistance on behalf of the Applicant,

(2) Execute and file the required certifications, assurance, and agreements on behalf of the Applicant binding the Applicant, and

(3) Execute grant and cooperative agreements with FTA on behalf of the Applicant.

B. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statues, regulations, executive orders, FTA circulars, and other Federal Administrative requirements in carrying out any grant or cooperative agreement awarded by FTA. The Applicant acknowledges it is under a continuing obligation to comply with the terms and conditions of the grant or cooperative agreement issued for its approved project with FTA. The Applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affects the implementation of the project. The Applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.

C. Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

As required by U.S Dot regulations on Government wide Debarment and Suspension (Non-procurement) at 49 CFR 29.510:

(1) The Applicant (Primary Participant) certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment; declared ineligible, or voluntarily excluded form covered transactions by any Federal department or agency;

(b) Have not within a three-year period proceeding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or pertaining a public (Federal, state, or local) transaction or contract under a public transaction; violation of Federal or state antitrust statues, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in paragraph (2) of this certification; and

(d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, state, or local) terminated for cause or default.

(2) The Applicant also certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide the information to FTA.

(3) If the Applicant (Primary Participant) is unable to certify to the statements within paragraphs (1) and (2) above, it shall indicate so on its Signature Page and provide a written explanation to FTA.

D. Drug-Free Workplace Certification

As required by U.S. Dot regulations on Drug-Free Workplace Requirements (Grants) at 49 CFR 29.630, the Applicant certifies that it will provide a drug-free a workplace by:

(1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against its employees for violation of that prohibition;

(2) Establishing an ongoing drug-free awareness program to inform its employees about:

a) The danger of drug abuse in the workplace;

b) The Applicant's policy of maintaining a drug-free workplace;

c) Any available drug counseling, rehabilitation, and employee assistance programs; and (d) the penalties that may be imposed upon its employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each of its employees to be engaged in the performance of the grant or cooperative agreement is given a copy of the statement required by paragraph (1);

(4) Notifying each of its employees in the statement required by paragraph (1) that, as a condition of employment financed with Federal assistance provided by the grant or cooperative agreement, the employee will:

(a) Abide by the terms of the statement, and

(b) Notify the employer (Applicant) in writing of his or her conviction for a violation of a criminal drug statue occurring in the workplace no later than 5 calendar days of that conviction;

(5) Notifying FTA in writing within 10 calendar days after receiving notice required by paragraph (4)(b) above from an employee or otherwise receiving actual notice of that conviction. The Applicant, who is the employer of any convicted employee, must provide notice, including position title, to every project officer or other designee on whose project or activity the Applicant's convicted employee was working. Notice shall include the identification number(s) of each affected grant or cooperative agreement.

(6) Taking one of the following actions within 30 calendar day of receiving notice under paragraph (4)(b) above with respect to any employee who is convicted: (a) by taking appropriate personnel action against the employee, up to and including termination, consistent with the requirement of the Rehabilitation Act of 1973, as amended, or (b) by requiring that employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6) above.
The Applicant has or will provide to FTA a list identifying its headquarters location and each workplace it maintains in which project activities supported by FTA are conducted.

E. Intergovernmental Review Assistance
The Applicant assures that each application for Federal assistance submitted to FTA has been or will be submitted, as required by each state, for intergovernmental review by the appropriate state and local agencies. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. DOT regulations. "Intergovernmental Review of Department of Transportation Programs and Activities," CFR part 17.

F. Nondiscrimination Assurance
As required by 49 U.S.C. 5332, Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act, "49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FTA Circular 4702.1, "Title VI Program Guidelines for Federal Transit Administration Recipients", and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services, and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FTA as follows:

(1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance to all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and the Applicant understands that this assurance extends to its entire facility and to facilities operated in connection with the project.

(2) The Applicant assures that it will take appropriate actions to ensure that any transferee receiving property financed with Federal assistance derived from FTA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21.

(3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services of benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements.

(4) The Applicant assures that it will make any changes its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.

(5) As required by 49 CFR 21.7(a) (2). The Applicant will include appropriate clauses in each third party contract or sub-agreement to impose the requirements of 49 CFR part 21 and 49 U.S.C. 5332, and included appropriate provisions imposing the requirements in deeds and instruments recording that transfer of real property, structures, and improvements.

G. Assurance of Nondiscrimination on the Basis of Disability

As required by U.S. DOT regulations, " Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the American with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT.

The Applicant assures the project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, at 49 CFR parts 27,37, and 38 and any applicable regulations and directives issued by other Federal departments or agencies.

H. Procurement Compliance

The Applicant certifies that its procurement and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.ID, "Third Party Contracting Requirements," and other implementing requirements FTA may issue. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each sub-recipient and contractor will also include in its sub-agreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

II. LOBBYING CERTIFICATION REQUIRED FOR EACH APPLICATION EXCEEDING $100,000

An Applicant that submits, or intends to submit this fiscal year, an application for Federal assistance exceeding $100,000 must provide the following certification. FTA may not provide Federal assistance for an application exceeding $100,000 until the Applicant provides this certification.

A. As required by U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application for a Federal assistance exceeding $100,000: (1) No Federal appropriate funds have been or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, pertaining to the award of any Federal assistance, or extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and (2) If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application to FTA for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including the information required by the form's instructions, which may be amended to omit such information as permitted by 31 U.S.C. 1352.

B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

III. SCHOOL TRANSPORTATION AGREEMENT

An Applicant seeking FTA assistance to acquire or operate transportation facilities and equipment acquired with Federal assistance authorized by 49 U.S.C. chapter 53 must agree as follows. FTA may not provide assistance for transportation facilities until the Applicant provides this certification.

A. As required by 49 U.S.C. 5323(f) and FTA regulations, "School Bus Operations," at 49 CFR 605.14, the Applicant agrees that it and all its recipients will: (1) engage in school transportation operations in competition with private school transportation operators only to extent permitted by an exception by 49 U.S.C. 53239(f), and implementing regulations, and (2) comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C . and awarded by FTA for transportation projects.

B. The Applicant understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, the definition of 49 CFR part 605 apply to this school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment form the receipt of further Federal assistance for transportation.

IV. CERTIFICATIONS AND ASSURANCES FOR THE ELDERLY AND PERSONS WITH DISABILITIES PROGRAM

An Applicant that intends to administer, on behalf of the state, the Elderly and Persons with Disabilities Program must provide the following certifications and assurances. FTA may not award assistance for the Elderly and Persons with Disabilities Program until the Applicant provides these certifications and assurances.

Based on its own knowledge and, as necessary, on information submitted by the sub-recipient, the Applicant administering on behalf of the state the Elderly and Persons with Disabilities Program authorized by 49 U.S.C. 5310 certifies and assures that the following requirements and conditions will be fulfilled:

A. The state organization serving as the Applicant and each sub-recipient has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5310, and to implement and manage the project.

B. The state assures that each sub-recipient either is recognized under state law as a private nonprofit organization with the legal capability to contract with the state to carry out the proposed project, or is a public body that has met the statutory requirements to receive Federal assistance for 49 U.S.C.5310.

C. The sub-recipient's application for 49 U.S.C. 5310 assistance contains information from which the state concludes that the transit service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient, or inappropriate to meet the special needs of the elderly and persons with disabilities.

D. The state assures that sufficient non-Federal funds have been or will be committed to provide the required local share.

E. The sub-recipient has, or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with Federal assistance awarded for this project.

F. The state assures that before issuing the state's formal approval of a project, its Elderly and Persons with Disabilities Formula Program is included in the Statewide Transportation Improvement Program as required by 23 U.S.C. 135; all projects in urbanized areas recommended for approval are included in the annual element of the metropolitan Transportation Improvement Program in which the sub-recipient is located, and it has obtained from any public body that is a prospective sub-recipient of capital assistance a certification that an opportunity for a public hearing has been provided.

G. The sub-recipient has, to the maximum extent feasible, coordinated with other transportation providers and users, including social service agencies authorized to purchase transit service.

H. The sub-recipient is in compliance with all applicable civil rights requirements, and has signed the Nondiscrimination Assurance. (Category I.F., "Certifications and Assurances Required of Each Applicant.")

I. The sub-recipient will comply with applicable requirements of U.S. DOT regulations on participation of disadvantaged business enterprises in U.S. DOT programs.

J. The state will comply with all existing Federal requirements regarding transportation of elderly persons and persons with disabilities. The sub-recipient has provided to the state an Assurance of Nondiscrimination on the Basis of Disability, as set forth in the Certifications and Assurances required of each Applicant for FTA assistance. (Category I.F., "Certifications and Assurances Required of Each Applicant.") If non-accessible vehicles are being purchased for use by a public entity in demand-responsive service for the general public, the state will obtain from the sub-recipient a "Certification of Equivalent Service," which states that the public entity's demand-responsive service offered to persons with disabilities, including persons who use wheelchairs, is equivalent to the level and quality of service the public entity offers to persons without disabilities. This "Certification of Equivalent Service" must also state that the public entity's demand responsive service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent.

K. The sub-recipient has certified to the state that it will comply with applicable provisions of 49 CFR part 605 pertaining to school transportation operations. (See Category VI School Transportation Agreement.)

L. Unless otherwise noted, each of the sub-recipient's project qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," at 23 CFR 771.117(c). The state certifies that financial assistance will not be provided for any project that does not qualify for a categorical exclusion described in 23 CFR 771.117(c) until FTA has made the required environmental finding. The state further certifies that no financial assistance will be provided for a project requiring a conformity finding in accordance with the Environmental Protection Agency's Clean Air Conformity regulations at 40 CFR parts 51 and 93, until FTA makes the required conformity finding.

M. The sub-recipient has submitted (or will submit) all certifications and assurances currently required, including, but not limited to: a certification that its procurement and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations of FTA Circular 4220.ID, "Third Party Contracting Requirements," and other implementing requirements FTA may issue; a certification that its project provides for the participation of private mass transportation companies to the maximum extent feasible; a certification it has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project; a non-procurement suspension and debarment certification; a bus testing certification for new models; a pre-award and post-delivery review certification; for each application exceeding $100,000. Certifications and assurances applicable to and submitted by the sub-recipient should be substantially similar to the text of parallel certifications and assurances text, but modified as necessary to accommodate the sub-recipient's circumstances.

N. The state will enter into a written agreement with each sub-recipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

O. The state and sub-recipient recognizes FTA's authority to conduct audits to verify compliance with the foregoing requirements and stipulations.

FTA Certifications and Assurances for Federal Year 2009

Name of Applicant: _____

Name and Relationship of Authorized Representative:

_____

_____

BY SIGNING BELOW I, _____ (name), on behalf of the Applicant, declare that the Applicant has duly authorized me to make the certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and administrative guidance required for each application it makes to the Federal Transit Administration in Federal Fiscal Year 2009.

FTA intends that the certifications and assurances the Applicant selects as representative of the certifications and assurances should apply, as required to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2009.

The applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801, as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. apply to any certifications, assurances, or submission made in connection with the Urbanized Area Formula Program, 49 U.S.C. 5307, and may apply to any other certifications, assurances, or submission made in connection with any other program administered by FTA.

In signing this document, I declare under the penalties of perjury that the foregoing certification and assurances, and any other statement made by me on behalf of the Applicant, are true and correct.

Date: _____

Authorized Representative of Applicant: _____

DRPT
Virginia Department of Rail and Public Transportation
The Smartest Distance Between Two Points